

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

KEVIN TEPPER and DANIEL PHELPS,

Plaintiffs,

v.

PHANTOM ENTERTAINMENT, LLC, *et al.*,

Defendants.

Case No. 2:13-cv-00406-APG-PAL

**ORDER**

(Dkt. #26)

On April 15, 2014, Magistrate Judge Leen entered a Report & Recommendation (Dkt. #26) recommending default judgment be entered against Defendants Phantom Entertainment, LLC, Krave Company, LLC, Krave Entertainment, LLC, Harmon Point, Inc., and 99View, LLC, unless these Defendants retained counsel who filed a notice of appearance by May 13, 2014. Only Defendant 99View, LLC filed an objection. Defendant 99View's objection was filed by its managing member, Sia Amiri. There is no evidence that Amiri is an attorney. The objection does not address either 99View's failure to respond to the Court's prior Orders or its failure to obtain counsel to represent it in this action.

I conducted a de novo review of the issues set forth in the Report & Recommendation. Corporations must be represented by licensed counsel when they appear in federal court. *Rowland v. Cal. Men's, Unit II Advisory Council*, 506 U.S. 194, 202 (1993); *see also United States v. High Country Broad. Co.*, 3 F.3d 1244 (9th Cir. 1993). "As the courts have recognized, the rationale for that rule applies equally to all artificial entities." *Rowland*, 506 U.S. at 202. The Ninth Circuit has not yet addressed whether this rule applies to limited liability companies, but those circuits that have addressed the issue have concluded that it does. *See United States v. Hagerman*, 545 F.3d 579 (7th Cir. 2008); *Lattanzio v. COMTA*, 481 F.3d 137, 140 (2d Cir. 2007) (internal citation omitted) ("Because both a partnership and a corporation must appear through licensed counsel, and because a limited liability company is a hybrid of the partnership and corporate

1 forms . . . , a limited liability company also may appear in federal court only through a licensed  
2 attorney.”). Courts in this federal district have followed *Rowland*’s direction that all artificial  
3 entities, including LLCs, must be represented by counsel. *See, e.g., Neumont Univ., LLC v. Little*  
4 *Bizzy, LLC*, No. 2:12-CV-1395-JAD-PAL, 2014 WL 2112938, at \*2 (D. Nev. May 20, 2014);  
5 *Donovan v. Flamingo Palms Villas, LLC*, 2011 WL 1046836 (D. Nev. 2011); *Wang v. County of*  
6 *Nye*, 2010 WL 4553448 (D. Nev. 2010). I agree with *Rowland*’s rationale and I see no reason to  
7 differ.

8 Consequently, Defendants must be represented by counsel in this action. Magistrate  
9 Judge Leen gave Defendants until October 25, 2013, in which to either retain counsel or request  
10 an extension of time to comply. (Dkt. #21.) Defendants did not do so, and Judge Leen entered an  
11 Order to Show Cause (Dkt. #24) directing Defendants to show cause by March 14, 2014 why they  
12 did not comply with the prior Order. Defendants did not respond. Judge Leen nevertheless gave  
13 Defendants a final chance to appear through counsel by May 13, 2014. None has done so nor is  
14 there any indication they will comply if given more time.

15 IT IS THEREFORE ORDERED that the Report & Recommendation (Dkt. #26) is  
16 accepted and default judgment will be entered against Defendants Phantom Entertainment, LLC,  
17 Krave Company, LLC, Krave Entertainment, LLC, Harmon Point, Inc., and 99View, LLC.

18 IT IS FURTHER ORDERED that Plaintiffs Kevin Tepper and Daniel Phelps shall submit  
19 a proposed form of default judgment on or before February 13, 2015.

20 DATED this 20th day of January, 2015.

21  
22   
23 \_\_\_\_\_  
24 ANDREW P. GORDON  
25 UNITED STATES DISTRICT JUDGE  
26  
27  
28